

DEPARTMENT OF  
DEVELOPMENTAL SERVICES

Concerning

Early Intervention Services for  
Infants and Toddlers and their  
Families

**DRAFT**  
**10/6/09**

**Section 1. Section 17a-248-1 to Section 17a-248-2, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-1 Definitions**

For purposes of Sections 17a-248-2 to 17a-248-10 of these regulations, the following definitions shall apply:

- (1) “Administrative proceeding” means a formal procedure before an impartial decision maker appointed to hear evidence and render a decision final and binding on the parties unless reversed or modified on appeal.
- (2) “Birth to Three System” means a statewide, comprehensive, coordinated, multidisciplinary, interagency [program of] system that provides early intervention services for infants and toddlers with disabilities and their families.
- (3) “Days” means calendar days.
- (4) “Diagnosed Condition expected to lead to a developmental delay” means those conditions, diagnosed by a physician, audiologist or speech pathologist, that are designated by the lead agency as having a high probability of resulting in a developmental delay.
- (5) “Director” means the person designated by the Commissioner of the lead agency as the person responsible for all statewide aspects of the Birth to Three System.
- (6) “Impartial decision maker” means the person duly designated for the purpose of conducting an administrative proceeding pursuant to 34 CFR 303.421 through 425.
- (7) “Individualized Family Service Plan [or] (IFSP)” means a written plan for providing early intervention services to an eligible child and the child’s family.
- (8) “Interim IFSP” means a temporary plan developed with parental consent for a child with a known developmental delay or disability who has apparent immediate needs [to enable] for early intervention service delivery between initial identification of the child’s needs and the completion of the multidisciplinary evaluation and assessment. [of a child with a known developmental delay or disability.] The interim IFSP shall include the name of the service coordinator and the early intervention services that have been determined to be needed immediately.
- (9) “Mediation” means a voluntary, non-adversarial process by which the parent of a child and the early intervention program are assisted by a trained mediator that has been designated by the lead agency to provide mediation services to reach agreement regarding eligibility, the provision

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of early intervention services, or the failure of an early intervention program to act within a period required by 34 CFR 303.423.

- (10) “Parent” means a natural, adoptive or foster parent of a child; a guardian (other than the Commissioner of Children and Families); an individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives; an individual who is legally responsible for the child’s welfare; or an individual appointed to be a surrogate parent.
- [(10)] (11) “Personally identifiable” means information which includes but is not limited to the name of the child, the parent, or other family member; the address of the child, the parent or other family member; a personal identifier, such as the social security number of the child, parent, or other family member; a list [of] or description of personal or physical characteristics or other information that would make it possible to identify the child, the parent or other family member with reasonable certainty.
- [(11)] (12) “Program” means an agency providing comprehensive, early intervention services to eligible children operated by, under contract with, or through an interagency agreement with the lead agency.
- [(12)] (13) “Record” means any information recorded in any way, maintained by a Birth to Three state-operated program, [regional manager,] Birth to Three contractor or [other DMR] lead agency personnel. A record shall include any information recorded in any way, including, but not limited to handwriting, print, electronic, tape, film, microfilm, and microfiche.
- [(13)] “Regional Director” means that person or his designee appointed by the commissioner to be directly responsible for the management of one of the department’s regions.
- (14) “Regional Manager” means the person designated by the Regional Director as the person responsible for the administration of the Birth to Three System in that region.]
- [(15)] (14) “Service Coordination” means activities which assist and enable an eligible child and the child’s family to receive the rights, procedural safeguards, and services that are authorized to be provided by the Birth to Three System.
- [(16)] (15) “Significant Developmental Delay” means the child’s scores on an appropriate norm-referenced standardized diagnostic instrument are (A) two standard deviations below the mean in one area of development; or (B) one and one-half standard deviations below the mean in at least two areas of development. When the use of the standardized diagnostic instrument is not appropriate due to a child’s age or when a child requires significant adaptation to perform on a standardized instrument, the evaluator may substitute another procedure.
- [(17)] (16) “Surrogate Parent” means a person appointed or designated to act as a parent for the child for the [birth to three system,] Birth to Three System when a child’s birth or adoptive parents are unknown or unavailable.

**17a-248-2. Referrals**

- (a) All referrals shall be made through a single telephone number designated by the lead agency.

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- (b) Referrals made by persons or agencies other than the child's parent shall include sufficient information to contact the parent. The parent shall, after being contacted, give verbal consent before the referral can be made.

**Section 2. Section 17a-248-3 to Section 17a-248-4, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-3     Eligibility**

Children eligible for the Connecticut Birth to Three System are those children who are:

- (1) experiencing a significant developmental delay in one or more of the following areas:
- (A) cognitive development;
  - (B) physical development, including vision or hearing
  - (C) communication development;
  - (D) social or emotional development; or
  - (E) adaptive skills; or
- (2) diagnosed as having a physical or mental condition that has a high probability of resulting in a significant developmental delay.

**17a-248-4     Parents [, persons in parental relations,] and surrogate parents**

- (a) The program shall make every effort to protect the right of parents to make decisions about the child's early intervention services, unless (1) the child is committed to the care of the Commissioner of [the Department of] Children and Families and parental rights have been terminated; (2) no parent can be identified; or (3) the public agency cannot, after reasonable efforts, discover the whereabouts of the parents. [; or the child is a ward of the Commissioner of Children and Families.]
- (b) Where the parent's availability to the child is limited due to life circumstances, including residing far from their child or the parent is residing in an institution, or the child's placement in the care and custody of the Commissioner of [the Department of] Children and Families [;]; the program shall, as appropriate, facilitate the parent's involvement in early intervention services by one or more of the following:
- (1) providing transportation to the parent;
  - (2) enabling the parent's participation in meetings via telephone or other electronic means;
  - (3) convening meetings at times and in locations convenient to the parent; and
  - (4) allowing a birth parent or adoptive parent to voluntarily appoint a surrogate parent upon written consent.
- [(c) For purposes of the Birth to Three System, a foster parent may be considered a person in a parental relationship to a child if:
- (1) the natural parents' authority to make early intervention or educational decisions on the child's behalf has been relinquished under State law;
  - (2) the foster parent has an ongoing, long-term parental relationship with the child;

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- (3) the foster parent is willing to participate in making early intervention or educational decisions on the child's behalf; and
- (4) the foster parent has no interest that would conflict with the interests of the child.]

[(d)] (c) The [regional manager] director or the director's designee shall determine whether a child requires a surrogate parent.

[(e)] (d) The [regional manager] director or the director's designee shall make reasonable efforts to discover the whereabouts of a parent before appointing a surrogate.

[(f)] (e) The [regional manager] director or the director's designee shall select a surrogate parent who is willing to serve in such capacity and who:

- (1) has no interest that conflicts with the interests of the child;
- (2) has knowledge and skills that ensure adequate representation of the child; and
- (3) is not an employee of (A) the [State] state lead agency, [or other State] (B) another state agency, or (C) the agency caring for the child and who is not a [person, or any employee of a person,] person providing early intervention services to the [infant or toddler,] child or any family member of the [infant or toddler.] child. A person who is paid to serve as a surrogate parent is not deemed to be an employee of a [public] state agency.

[(g)] (f) The program shall afford the surrogate parent the same rights and responsibilities as accorded to the parent by the Birth to Three System and shall represent a child in all matters related to:

- (1) evaluation of the child;
- (2) development and implementation of the Individualized Family Service Plan, including annual evaluations and periodic reviews;
- (3) the ongoing provision of early intervention services;
- (4) the right to request mediation or an administrative proceeding in the event of a dispute; and
- (5) any other rights established in the Birth to Three System.

[(h)] (g) The surrogate parent shall maintain the confidentiality of all information regarding the child, including written records in accordance with 34 CFR 99.2 to 99.37, inclusive.

[(i)] (h) The lead agency[, in collaboration with programs and local interagency coordinating councils,] shall develop a procedure for recruitment of qualified persons to serve as surrogate parents, including but not limited to the recruitment of parents of children with disabilities to serve as surrogate parents.

[(j)] (i) The lead agency, in collaboration with interested organizations shall ensure that qualified persons receive training in the developmental needs, service options and rights of children eligible for early intervention services and shall maintain [and disseminate] a list of individuals who have received such training. [to regional managers.]

[(k)] (j) The [regional manager] director or the director's designee may revoke the appointment of a surrogate parent in the event that:

- (1) the surrogate parent is no longer willing or available to participate in that capacity or fails to fulfill the surrogate parent's duties;
- (2) the child is no longer a ward of the state; [or,]

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- (3) a parent becomes available; or,
- (4) a subsequent surrogate parent is appointed by the director or the director's designee.

[(1)] (k) The surrogate parent may within ten (10) calendar days request, in writing, a review of the revocation. Within twenty (20) calendar days of the notice the [regional manager] director or the director's designee shall send the individual written notice that the surrogate parent appointment has been reinstated or has been revoked.

[(m)] (l) In the event that the surrogate parent's appointment is revoked and the child continues to require the assistance of a surrogate parent, the [regional manager] director or the director's designee shall appoint a surrogate parent.

[(n)] (m) Upon review of the Individualized Family Service Plan (IFSP), and, at a minimum, upon annual review, the program shall determine whether any change in circumstances warrant review of the appointment of the child's surrogate parent. When circumstances warrant [such a change,] the revocation of the appointment of a child's surrogate parent and the appointment of a new surrogate parent for the child, the program shall make a request to the [regional manager,] director or the director's designee, who shall take action to [effectuate] make the change in consultation with the [Department] Commissioner of Children and Families [regional office] or other [public] state agency, [where] when appropriate.

[(o)] (n) When an eligible child is turning three years of age and is thought to be eligible for preschool special education services, the surrogate parent may give consent for the referral to the school district [who is] responsible for the child's education and for the child's initial evaluation by that school district. The local school district shall then request the appointment of a surrogate parent for the child from the State Department of Education (SDE).

**Section 3. Section 17a-248-5 to Section 17a-248-7, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-5. Notice of parental rights**

- (a) Upon the first contact with the single point of referral, the lead agency's contractor shall provide the parent information that describes the rights and entitlements afforded to parents and legal guardians under the Birth to Three System. Such notice shall include an explanation of parents' rights to consent to or decline any early intervention service without jeopardizing other early intervention services available under the law.
- (b) Prior to the initial [IFSP] Individualized Family Service Plan (IFSP) meeting and at least annually thereafter, the program shall give the parent information that summarizes their rights under the Birth to Three System.

**17a-248-6. Client records**

- (a) Personally identifiable information shall be confidential and shall not be disclosed by any employee or contractor of the lead agency or early intervention program except in accordance with the provisions of 34 CFR 300.571.
- (b) If the parent and program cannot agree on a request to amend the record of an eligible child, the program shall inform the parent in writing of the decision and inform the parent of the right to place a statement in the record reflecting their

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views about its contents and the right to request, in writing, an administrative proceeding in accordance with [Section] section 17a-248-9 of [these regulations.] the Regulations of Connecticut State Agencies.

**17a-248-7. Written notice and consent**

- (a) A reasonable time before an agency proposes to, or refuses to, initiate or change the identification, evaluation or placement of the child, or the provision of appropriate early intervention services to the child and the child's family, the agency shall notify the parents of an eligible child or a child who may be eligible to receive early intervention services.
- (b) The notice shall inform the parent about:
  - (1) the action that is being proposed or refused;
  - (2) the reasons for taking the action, and
  - (3) all procedural safeguards that are available pursuant to [Sections] sections 17a-248-9 through 17a-248-10, inclusive, of [these regulations.] the Regulations of Connecticut State Agencies.
- (c) The notice shall be written in language understandable to the general public and provided in the native language of the parent, unless it clearly is not feasible to do so. If the native language of the parent is not a written language, the agency shall ensure that:
  - (1) the notice is translated orally or by other means to the parent in the parent's native language,
  - (2) the parent understands the notice, and
  - (3) there is written evidence that the requirements of this section have been met.

**Section 4. Section 17a-248-8 to Section 17a-248-10, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-8 Mediation Procedures to Resolve Individual Child Complaints**

- (a) A statewide mediation system shall be available to ensure parents and programs may voluntarily access a non-adversarial process for the resolution of complaints regarding the provision of early intervention services.
- (b) The decision of the parent to not participate in mediation proceedings shall not prevent or delay the parent from pursuing an administrative proceeding as provided by [Section] section 17a-248-9 of [these regulations.] the Regulations of Connecticut State Agencies.
- (c) The lead agency shall, upon written request for a mediation from either a parent or program, appoint an impartial mediator. Impartial mediators shall not be employees of any public or private agency or program involved in the provision of early intervention services or care of the child and shall not have a personal or professional interest that would conflict with his or her objectivity as an impartial mediator.
- (d) Any parent requesting mediation has the right to:

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- (1) withdraw at any time from mediation;
  - [(1)] (2) withdraw at any time from mediation and request an administrative proceeding;
  - [(2)] (3) have the mediation conducted at a neutral, reasonably convenient site and time; and
  - [(3)] (4) interpreter services or alternative communication services, if any are needed.
- (e) When mediation results in successful negotiation of a partial or full agreement on areas in dispute between the parent and the program, the mediator shall:
  - (1) document the terms of the negotiated agreement in writing and obtain the signatures of the parent and the program representative on the written agreement;
  - (2) if applicable, list the unresolved issues and state only that no agreement was reached on these issues;
  - (3) whenever practicable, provide the written agreement in the dominant language of the parent or other alternative mode of communication;
  - (4) ensure that the parent and program representative receive a copy of the written agreement; and
  - (5) inform the [Birth to Three regional manager and] director of the disposition of the mediation.
- (f) The service coordinator from the early intervention program shall ensure that the terms of the written agreement are incorporated into the Individualized Family Service Plan (IFSP) within five (5) working days of the receipt of the written document.
- (g) Except as otherwise required by [State and Federal] state and federal law, all statements made during the mediation and all documents prepared for the mediation shall remain confidential unless both parties agree to release that information. No such information shall be used in any subsequent due process proceeding without the consent of both parties.

**17a-248-9 Administrative Proceeding to Resolve Individual Child Complaints**

- (a) The lead agency shall establish, implement and maintain an administrative proceeding process for the resolution of individual complaints regarding the identification, evaluation and assessment; eligibility determination; development, review and implementation of the Individualized Family Service Plan (IFSP); and procedural rights and safeguards.
- (b) A parent of a child who is or who may be eligible for early intervention services may request, in writing, of the lead agency an administrative proceeding to review the proposal, or refusal, of an agency to initiate or change the identification, evaluation or placement of the child, or the provision of early intervention services to the child and the child's family.
- (c) Upon receipt of a written request for an administrative proceeding, the lead agency shall schedule such a proceeding, which shall be held in accordance with this section.
- (d) The lead agency shall, upon receipt of a request for an administrative proceeding in accordance with subsection (a) of this section, appoint an impartial decision maker, knowledgeable about the provisions of [Section 17a-248-1 through 17a-248-12, inclusive these regulations,] sections 17a-248-1 through 17a—248-14,

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inclusive, of the Regulations of Connecticut State Agencies, and the need of, and services available for, eligible children and their families. The administrative proceeding shall be scheduled at a time and in a location reasonably convenient to the parents. The impartial decision maker shall not be an employee of any public or private agency or program involved in the provision of early intervention services or care of the child and shall not have a personal or professional interest that would conflict with his or her objectivity as an impartial decision maker. A person who is paid to serve as an impartial decision maker is not deemed to be an employee of a public agency. The impartial decision maker shall make a record of the proceedings.

- (e) The impartial decision maker shall listen to the presentation of relevant viewpoints concerning the matter under review, examine all information relevant to the issues and seek to reach a timely resolution of the matter. The findings of fact, conclusions of law and decision shall be written without personally identifiable information concerning the child or the child's family.
- (f) A record of the administrative proceeding shall be kept and shall include all notices, pleadings, and motions; evidence presented during the administrative proceeding; questions and offers of proof, objections thereto, and [ruling] rulings thereon; any statements of matters officially noticed by the impartial [person;] decision maker; and any findings of fact, conclusions of law, decision, determination, opinion, order or report made by the impartial [person.] decision maker.
- (g) Any parent requesting an administrative proceeding has the right to:
  - (1) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for eligible children;
  - (2) present evidence and confront, cross-examine and compel the attendance of witnesses;
  - (3) prohibit the introduction of any evidence at the administrative proceeding, which has not been disclosed to the parent at least five (5) days before the proceeding;
  - (4) obtain a written or electronic verbatim transcription of the proceedings;
  - (5) obtain written findings of fact, conclusions of law and decisions;
  - (6) have his or her child present at the proceeding; and
  - (7) open the proceeding to the public.
- (h) During the pendency of an administrative proceeding, (1) unless the parties otherwise agree, the eligible child shall continue to receive early intervention services currently being provided and (2) if the proceeding involves an [application for] initial [early intervention services] Individualized Family Service Plan (IFSP), the child shall receive those early intervention services that are not in dispute.

**17a-248-10. System complaint resolution**

- (a) Any individual or organization may file a written, signed complaint with the lead agency alleging a violation of one or more requirements of the Early Intervention Program for Infants and Toddlers with Disabilities or sections 17a-248-1 through 17a-248-14, inclusive, of [these regulations] the Regulations of Connecticut State Agencies by (1) any agency that receives funds, by contract or otherwise, pursuant to the Infants and Toddlers with Disabilities part of the Act, or (2) other agencies that are involved in the early intervention system. The complaint shall state the facts on which the complaint is based.



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- (b) Within 60 days after receipt of the complaint the lead agency shall:
  - (1) carryout an independent on-site investigation if it is determined by the lead agency that an on-site investigation is necessary;
  - (2) give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
  - (3) review all relevant information and make an independent determination as to whether the agency is violating a requirement of the Early Intervention Program for Infants and Toddlers with Disabilities or of sections 17a-248-1 through 17a-248-14, inclusive, of [these regulations;] the Regulations of Connecticut State Agencies; and
  - (4) issue a written decision to the complainant that addresses each allegation in the complaint and contains:
    - (A) findings of fact and conclusions; and
    - (B) the reasons for the final decision.
- (c) An extension of the 60-day time limit under subsection (b) of this section shall be granted in the event exceptional circumstances exist with respect to a particular complaint as determined by the lead agency.
- (d) Procedures for effective implementation of the lead agency's final decision, if needed, include technical assistance activities, negotiations, and corrective actions to achieve compliance.

**Section 5. Section 17a-248-11 to 17a-248-14, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-11 Financial Liability Definitions**

For the purposes of Sections 17a-248-12 through 17a-248-14, inclusive, of these regulations, the following definitions shall apply:

- (a) “Contribution” means an amount of money determined to be due and payable currently from a parent.
- (b) “Adjusted Gross income” means the total of adjusted earned and unearned income as shown on the parent’s most recent state income tax return or, in lieu of a state income tax return, a federal income tax return. In lieu of either, the lead agency may approve an alternative means of reporting income.
- (c) “Family” means a group of two or more persons related by birth, marriage, or adoption who live together.
- (d) “Individualized Family Service Plan [IFSP] (IFSP) early intervention services” means the early intervention services described in an IFSP excluding any services which are to be carried out at public expense. Services, which are to be carried out at public expense, are described in 34 CFR Section 303.521 and include, but are not limited to, evaluation, assessment and service coordination.
- (e) “Insurance” means third party coverage for the costs of health care services.

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- (f) “Medicaid” means the program operated by the Department of Social Services pursuant to [Section] section 17b-260 of the Connecticut General Statutes and authorized by Title XIX of the Social Security Act.
- (g) “Parent” means the natural or adoptive parent or legal guardian of any children receiving IFSP early intervention services.
- (h) “Program” means an agency providing comprehensive early intervention services to eligible children operated by, under contract with, or through an interagency agreement with the lead agency.
- (i) “Uninsured parent” means a parent who does not have insurance.

17a-248-12 Insurance

- (a) Programs shall be responsible for billing insurance.
- (b) Parents shall be responsible for reimbursement of costs for early intervention services included in an eligible child’s Individualized Family Service Plan [IFSP] (IFSP) through contributions from insurance and a fee schedule established by the lead agency.
- (c) Parents who have insurance may assign to the lead agency the right of recovery or indemnification which [he] the parent has against [his] the parent’s insurer for the cost of IFSP early intervention services for which [he] the parent is liable and shall make a contribution to the lead agency based on the schedule of contributions in [Section 17a-248-13(a)] subsection (a) of section 17a-248-13 of the Regulations of Connecticut State Agencies. The total reimbursement from insurance and parent contributions shall not exceed the actual cost for IFSP early intervention services.
- (d) Uninsured parents shall make a contribution to the lead agency based on the schedule of contributions in [Section 17a-248-13(a) of these regulations.] subsection (a) of section 17a-248-13 of the Regulations of Connecticut State Agencies.
- (e) Parents who have insurance and elect not to assign such right of recovery or indemnification to the lead agency shall make a contribution to the lead agency based on the schedule of contributions in [Section 17a-248-13(b) of these regulations.] subsection (b) of section 17a-248-13 of the Regulations of Connecticut State Agencies.
- (f) Parents of a child, [that] who is eligible for Medicaid, shall not be required to make any contribution.

17a-248-13 Schedule of contributions

- (a) The schedule of contributions based on a sliding scale for parents who are uninsured or who assign to the lead agency the right of insurance recovery shall be as follows:

Adjusted Gross Family Income	Monthly Contribution by Family Size			
	3 or Fewer	4	5	6 or More
Less than \$45,000	\$0	\$0	\$0	\$0
\$45,000 - \$55,000	[\$15] <u>\$24</u>	[\$10] <u>\$16</u>	[\$5] <u>\$8</u>	[\$5] <u>\$8</u>
\$55,001 - \$ \$65,000	[\$20] <u>\$32</u>	[\$15] <u>\$24</u>	[\$10] <u>\$16</u>	[\$5] <u>\$8</u>

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\$65,001 - \$75,000	[ <del>\$25</del> ] <u>\$40</u>	[ <del>\$20</del> ] <u>\$32</u>	[ <del>\$15</del> ] <u>\$24</u>	[ <del>\$10</del> ] <u>\$16</u>
\$75,001 - \$85,000	[ <del>\$35</del> ] <u>\$56</u>	[ <del>\$30</del> ] <u>\$48</u>	[ <del>\$25</del> ] <u>\$40</u>	[ <del>\$20</del> ] <u>\$32</u>
\$85,001 - \$95,000	[ <del>\$65</del> ] <u>\$104</u>	[ <del>\$60</del> ] <u>\$96</u>	[ <del>\$55</del> ] <u>\$88</u>	[ <del>\$50</del> ] <u>\$80</u>
\$95,001 - \$105,000	[ <del>\$75</del> ] <u>\$120</u>	[ <del>\$70</del> ] <u>\$112</u>	[ <del>\$65</del> ] <u>\$104</u>	[ <del>\$60</del> ] <u>\$96</u>
\$105,001 - \$125,000	[ <del>\$95</del> ] <u>\$152</u>	[ <del>\$90</del> ] <u>\$144</u>	[ <del>\$85</del> ] <u>\$136</u>	[ <del>\$80</del> ] <u>\$108</u>
\$125,001 - \$150,000	[ <del>\$120</del> ] <u>\$192</u>	[ <del>\$115</del> ] <u>\$184</u>	[ <del>\$110</del> ] <u>\$176</u>	[ <del>\$105</del> ] <u>\$168</u>
\$150,001 - \$175,000	[ <del>\$145</del> ] <u>\$232</u>	[ <del>\$140</del> ] <u>\$224</u>	[ <del>\$135</del> ] <u>\$216</u>	[ <del>\$130</del> ] <u>\$208</u>
\$175,001 - and above	[ <del>\$170</del> ] <u>\$272</u>	[ <del>\$165</del> ] <u>\$264</u>	[ <del>\$160</del> ] <u>\$256</u>	[ <del>\$155</del> ] <u>\$248</u>

- (b) The schedule of contributions based on a sliding scale for parents who have insurance and do not assign to the lead agency the right of insurance recovery shall be as follows:

Adjusted Gross Family Income	Monthly Contribution By Family Size			
	3 or Fewer	4	5	6 or More
Less than \$45,000	\$0	\$0	\$0	\$0
\$45,001 - \$55,000	[ <del>\$30</del> ] <u>\$48</u>	[ <del>\$20</del> ] <u>\$32</u>	[ <del>\$10</del> ] <u>\$16</u>	[ <del>\$10</del> ] <u>\$16</u>
\$55,001 - \$65,000	[ <del>\$40</del> ] <u>\$64</u>	[ <del>\$30</del> ] <u>\$48</u>	[ <del>\$20</del> ] <u>\$32</u>	[ <del>\$10</del> ] <u>\$16</u>
\$65,001 - \$75,000	[ <del>\$50</del> ] <u>\$80</u>	[ <del>\$40</del> ] <u>\$64</u>	[ <del>\$30</del> ] <u>\$80</u>	[ <del>\$20</del> ] <u>\$64</u>
\$75,001 - \$85,000	[ <del>\$70</del> ] <u>\$112</u>	[ <del>\$60</del> ] <u>\$96</u>	[ <del>\$50</del> ] <u>\$80</u>	[ <del>\$40</del> ] <u>\$64</u>
\$85,001 - \$95,000	[ <del>\$130</del> ] <u>\$208</u>	[ <del>\$120</del> ] <u>\$192</u>	[ <del>\$110</del> ] <u>\$176</u>	[ <del>\$100</del> ] <u>\$160</u>
\$95,001 - \$105,000	[ <del>\$150</del> ] <u>\$240</u>	[ <del>\$140</del> ] <u>\$224</u>	[ <del>\$130</del> ] <u>\$208</u>	[ <del>\$120</del> ] <u>\$192</u>
\$105,001 - \$125,000	[ <del>\$190</del> ] <u>\$304</u>	[ <del>\$180</del> ] <u>\$288</u>	[ <del>\$170</del> ] <u>\$272</u>	[ <del>\$160</del> ] <u>\$216</u>
\$125,001 - \$150,000	[ <del>\$240</del> ] <u>\$384</u>	[ <del>\$230</del> ] <u>\$368</u>	[ <del>\$220</del> ] <u>\$352</u>	[ <del>\$210</del> ] <u>\$336</u>
\$150,001 - \$175,000	[ <del>\$290</del> ] <u>\$464</u>	[ <del>\$280</del> ] <u>\$448</u>	[ <del>\$270</del> ] <u>\$432</u>	[ <del>\$260</del> ] <u>\$416</u>
\$175,001 - and above	[ <del>\$340</del> ] <u>\$544</u>	[ <del>\$330</del> ] <u>\$528</u>	[ <del>\$320</del> ] <u>\$512</u>	[ <del>\$310</del> ] <u>\$496</u>

- (c) Monthly contributions from parents in accordance with the schedules established by these regulations shall [not accrue except after the second] begin with the first full calendar month [following the] of a child's enrollment [of a child] after IFSP early intervention services begin.
- (d) The parent shall be liable for the monthly contributions for each full calendar month that their child is enrolled in the Birth to Three System after IFSP early intervention services begin and until the child exits the system. Additional contributions shall not be required if the parent has more than one child enrolled in the Birth to Three System at the same time.
- (e) The aggregate contributions made by the parent shall not exceed the aggregate state cost of IFSP early intervention services received by their child and family.
- (f) The State Interagency Birth to Three Coordinating Council shall review the schedule of contributions at least once every three years and shall make recommendations to the lead agency regarding such schedule.
- (g) The lead agency or its designee shall be responsible for billing. [Bills which are unpaid after three (3) months shall result in the suspension of] When the amount owed by the parent is equal to or more than three (3) months of unpaid bills, IFSP early intervention services shall be suspended until such time as payment in full is made. At the time that IFSP early intervention services are suspended, the parent may elect to continue to receive only those services that the Individuals with Disabilities Education Act Part C requires to be provided at no cost to parents or the parent may withdraw from the Birth to Three System. Records of unpaid bills will be maintained and will be due at any time that a child who has been withdrawn is re-enrolled or a sibling is enrolled. The parent shall not be required

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to make a contribution for any month in which no IFSP early intervention services are delivered. Services that are not cancelled by the family at least 24-hours prior to their scheduled time are considered to have been delivered.

- (h) At least annually, or when the lead agency determines that a reassessment of the parent's financial circumstances is warranted, the lead agency or its designee shall conduct such a reassessment and adjust the parent's contribution for early intervention services.
- (i) The parent has the right to have a reassessment at any time if there are significant changes affecting the determination of [his] the parent's contribution. Such request shall be in writing.
- (j) [Parents] A parent may request in writing an adjustment of fees if there are extraordinary expenditures that should be taken into account when calculating the contribution. Adjustments may be requested through the [regional manager] director or the director's designee as outlined in section 17a-248-14 of [these regulations.] the Regulations of Connecticut State Agencies. If such an adjustment is denied the parent may request an administrative proceeding pursuant to section 17a-248-9 of [these regulations.] the Regulations of Connecticut State Agencies.

**17a-248-14    Adjustment to Parent Fees**

- (a) The lead agency may, upon the written request of a parent and proper documentation and determination, reduce the parent's adjusted gross income from which the contribution is calculated.
- (b) The lead agency shall review requests submitted pursuant to [section 17a-248-13(f) of these regulations] subsection (f) of section 17a-248-13 of the Regulations of Connecticut State Agencies and shall notify the parent by mail of its decision.
- (c) A parent who is aggrieved by such a decision may request in writing through the [regional manager] director or the director's designee an administrative review within thirty days of the receipt of the notice of the decision.
- (d) The lead agency shall hold such review within thirty days of the receipt of such a request for such review and shall, at least ten days prior to the date of such review, mail a notice, giving the time and place of the review to the aggrieved parent. A period of continuance, not to exceed twenty (20) days, may be granted.
- (e) The aggrieved parent shall appear personally at the administrative review and may have representation.
- (f) A record shall be made of each administrative review, but [need not] shall only be transcribed upon request.
- (g) The administrative review shall be conducted by the commissioner or [his] the commissioner's designee.
- (h) The lead agency shall render a final decision within ninety (90) days after the close of the administrative review. Written notice of the final decision shall be sent to the aggrieved parent by the lead agency by certified mail.

These regulations were published originally in the Conn. Law Journal August 4, 1998, effective June 10, 1998; amendment published in Conn. Law Journal September 28, 2004, effective August 30, 2004; amendment published in Conn. Law Journal May 16, 2006, effective April 10, 2006.

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**Statement of Purpose:**

These Early Intervention Services for Infants and Toddlers and their Families regulations concerning the Department of Developmental Services' Birth to Three system are being amended to (1) increase fees certain families pay to participate in the Birth to Three program by 60% as required by Public Act 09-3 (PA 09-3) of the September Special Session (SSS), and (2) eliminate the two months of service following enrollment that, by regulation, are currently provided without a fee as required by PA 09-3 SSS. In addition to the required amendments pursuant to Public Act 09-3 of the September Special Session, technical and clarifying changes to the Birth to Three regulations are being proposed including adopting the definition of "parent" that is used in the federal Individuals with Disabilities Education Act (IDEA) and changes reflecting the move from a regional Birth to Three system to a centralized Birth to Three system.

Section 1 (17a-248-1 through 17a-248-2, inclusive) makes various changes in the definitions used in these regulations and adds the definition of "parent" in conformance with the federal IDEA. Section 2 (17a-248-3 through 17a-248-4, inclusive) makes changes to (1) reflect the change from a regional to a centralized Birth to Three system (2) remove the definition of foster parent that is superseded by the new definition of "parent", and (3) make technical and clarifying changes reflecting current practice. Section 3 (17a-248-5 through 17a-248-7) makes technical corrections. Section 4 (17a-248-8 through 17a-248-10, inclusive) makes technical and clarifying changes to the Birth to Three mediation and complaint process. Section 5 (17a-248-11 through 17a-248-14, inclusive) (1) details the new rate structure for parent fees reflecting the sixty percent increase, (2) eliminates the two months of service following enrollment that are currently provided without a fee, (3) clarifies the criteria for the suspension of Birth to Three services for non-payment of fees, and (4) makes technical and clarifying changes to reflect the centralized Birth to Three system.